

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5670 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANEKBEN W/O RAMBHAI SOMABHAI

Versus

STATE OF GUJARAT

Appearance:

MR PS CHAMPANERI for Petitioners
MS PS PARMAR ADDL. GOVT. PLEADER
for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 07/11/96

ORAL JUDGEMENT

The petitioners are agriculturists and they hold several agricultural lands situated at village Guma of Dashkroi Taluka in Ahmedabad District. Out of the different agricultural lands, the petitioners wanted to convert the land bearing Block No. 792 into N.A.use, and therefore, they applied for requisite permission under Sec.43 of the Bombay Tenancy & Agricultural Lands Act.

On 30th March 1995, the Collector at Ahmedabad fixed premium amount and directed the petitioners to deposit sum of Rs.6,28,908/- within the period of 21 days and produce the receipt thereof. The petitioners prayed for further time as within time granted, it was not possible for them to pay the amount. Thereafter the application seeking extension of time was rejected. The petitioners, therefore, filed revision application on 8th June 1995 before the Additional Chief Secretary (Appeals), Revenue Department. The Secretary allowed the appeal. The order of Collector was quashed and set aside and the Collector was directed to accept the premium amount extending time limit upto 31st March, 1996. The Collector then ordered the petitioners on 20th February 1996 to deposit the amount on or before 31st March 1996 and produce the receipt thereof, with the caution that failure to make the payment accordingly, would be a ground to reject their application. The petitioners then deposited the amount of Rs.6,28,908/- and produced the receipt thereof. Thereafter within reasonable time, the Collector did not pass any order, and therefore, on 25th April, 1996, the petitioners moved the Collector and requested to pass requisite order of conversion for the purpose of N.A. use. However, the Collector did not pass the order and even to day, no order is passed. With the result, the petitioners are not in a position to deal with the property for construction of their dwelling units, and they are undergoing hardships for want of their dwelling units.

2. In view of such facts, without entering into merits qua inaction of the Collector, it would be better, if the Collector is directed to take appropriate decision in the matter at the earliest. The petitioner is therefore allowed. The Collector at Ahmedabad is hereby directed to take the appropriate decision qua the application of the petitioners for N.A. use pending before him at his earliest, but in any case, not later than 10th January, 1997. No costs in the circumstances of the case. Rule is made absolute accordingly. Direct service is permitted.
